IN THE HIGHCOURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 3294 (MS) OF 2001

Old No. 1390 of 1986

H.C. Saxena ……..Petitioner.

Versus

A.D.M. Nainital …….……Respondents.

HON'BLE RAJESH TANDON J.

File has been transferred from the Allahabad High Court.

No one appears for the petitioner.

By the present Writ Petition, the petitioner has challenged the order of vacancy dated 2nd May, 1985 on the ground that the petitioner was transferred.

Perusal of the record shows that the Rent Control and Eviction Officer after considering the documents on the record has recorded a finding that the vacancy has been declared. At the time of the presentation of the Writ Petition the impugned interim order was passed and only the petition was admitted. In view of the above, it appears that Writ Petition has already been infructuous.

However, the liberty is given to the petitioner to apply for recalling of the order incase cause of action still survives.

Writ Petition is dismissed.

(RAJESH TANDEON J.)

11.10.2004
P.S. Rathour